

*m Contractual Agreements – Other than Retired City Employees*

**SCOPE**

Individuals other than retired City employees as defined in this policy (AM-212-1) may be engaged to render services to the City on a contractual basis when the requesting agency is able to establish a need for the individual's services and the individual possesses the qualifications necessary to satisfy the requirements of the services to be rendered.

**OVERVIEW**

An individual providing such services must enter into a contractual agreement with the Mayor and City Council of Baltimore. A contractual agreement with an individual who is other than a retired City employee as defined in this policy (AM-212-1) may not exceed one (1) year in duration. Contractual agreements are contingent upon funds being available and require the approval of the Board of Estimates. All contracts must be submitted to and approved by the Board of Estimates prior to the individual starting to perform any work under that contract. **A contract start date prior to the Board of Estimates approval date is unacceptable and will not be allowed.**

**STEPS FOR NECESSARY APPROVALS**

The following steps must be taken to have a contractual agreement approved for the services of an individual, other than a retired City employee.

1. **Law Department** - The head of the requesting agency must contact the appropriate solicitor in the Law Department for assistance in the preparation of the contractual agreement. The Law Department must approve the contract for form and legal sufficiency before it is submitted to the Department of Finance, Bureau of the Budget and Management Research, which is the second step.
2. **Bureau of the Budget and Management Research (BBMR)** - The agency's budget analyst must review the contract for funding availability before the contract is submitted to the Department of Personnel, which is the third step.
3. **Department of Personnel** - All contracts must be reviewed by the Classification and Compensation Division for appropriate compensation and conformance with *Administrative Manual* policies, before submission to the Expenditure Control Committee (ECC) and the Board of Estimates. The Department of Personnel forwards their recommendation to BBMR for the budget analyst recommendation to the ECC.
4. **Expenditure Control Committee (ECC)** - Based on the recommendation, the ECC will approve or disapprove the contractual agreement. Documents for the approved contractual agreements will be returned to BBMR for submission to the Board of

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Estimates. If the contractual agreement is not approved, all documents will be returned to the agency.

- 5. **Board of Estimates (B/E)** - Approved contracts by ECC will be submitted to the Board of Estimates by BBMR. (For specific dates, refer to the Department of Personnel memo on ECC and B/E deadlines for the current year).

**CONTRACT START DATE**

All contracts must be submitted to the Board of Estimates and approved by that body prior to the individual starting to perform any work under that contract. A contract start date prior to the Board of Estimates approval date is unacceptable and will not be allowed.

**WORK HOURS**

Contractual individuals must perform their work during the normal office hours of the agency to which he/she is assigned unless otherwise stipulated in the contractual agreement.

**RATE DETERMINATION**

The hourly rate of pay shall be determined based on the services to be rendered and that rate information supplied by the requesting agency head. The rate to be paid will be stipulated in the approval of the Board of Estimates.

**DISALLOWED BENEFITS**

Contractual individuals do not receive health benefits, paid holidays, death benefits, vacation leave, personal leave, sick leave benefits, compensatory time, death benefits, or new or additional retirement benefits. Lunch hours are not included as paid hours of work. Individuals under contract with the City are not represented by an employee union or professional association. However, a contractual worker is covered by the provisions of the Maryland Workers' Compensation Act.

**REPORTING OF TAXABLE INCOME**

The individual will receive a W-2 form from the City of Baltimore at the end of the calendar year in accordance with the guidelines of the Internal Revenue Service (IRS).

**APPOINTMENT PROCESS**

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An individual engaged on a contractual basis shall be entered on an ENTRY TICKET (28-1618-5142) as Grade 999 (\$5.15-\$90.00 Hourly), Class #00107, Contract Services Specialist II, Work Code 9, Appt. Code "X", with the appropriate hourly rate as stipulated in the approved contract.

Since a contractual individual cannot work beyond one (1) year on an approved contract, a CUT-OFF NOTICE (28-1608-5144), used for the purpose of removal from the payroll, should be processed with the ENTRY TICKET.

**CONTRACT REQUIREMENT**

A new contract must be submitted to the Board of Estimates and approved by that body for each successive year that such services are needed. The steps for approval must be repeated for each new contract to be submitted to the Board of Estimates for approval.

**RELATED DOCUMENTS**

For additional information, see:

[AM-204-1 ANNUAL HOLIDAYS PART I](#)

AM-205-4-2 PREPARING AN ENTRY TICKET

AM-205-7-1 CUT-OFF NOTICE

AM-207-1 WORK HOURS